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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,234	01/16/2001	Franz Biedermann	AT 000003	5144

7590 03/24/2004
Corporate Patent Counsel
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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,234

Applicant(s)

BIEDERMANN ET AL.

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-4 are pending. Claim 1 is independent.
2. The disclosure is objected to for the following minor informalities:

Page 5, line 3, "printing roller 9" should read – printing roller 15 --.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Olson et al. (U.S. Patent No. 5,316,285).

Regarding claim 1, Applicant's prior art apparatus discussed on page 1 of the specification comprises limitations recited in the preamble of the claim, including the holder means for holding a stack of record carriers, withdrawal means for withdrawing each time one record carrier from the stack, load-exerting means movable between two positions, the load-exerting position and no-load position, actuation means for moving the load-exerting means from their load-exerting position into their no-load position claimed.

Applicant's prior art differs from the claimed invention in that the prior art does not include realignment means for realigning the record carriers in the stack after one record carrier is withdrawn from the stack, in addition to positional relationship between

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the realignment means and other means including the holder means and withdrawal means, and movement of the realignment means as claimed.

Olson discloses a sheet media realignment mechanism (10) (Figs. 2-5, corresponding to first to fourth phases of operation of the realignment mechanism). The realignment mechanism, having a lever (22), for realigning the stack of record carriers after one carrier is withdrawn from the stack to be printed, by moving the record carriers to be printed which have been moved from the stack (s1) towards the withdrawal means (18, 14). The realignment mechanism (10) is movable between its rest position and a realignment position as shown in the phases of operation in Figs. 2-5 (col. 2, lines 5-45, col. 4, line 56 – col. 7, line 55, note col. 4, line 56, col. 5, lines 23 and 37, and col. 6, line 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Applicant's prior art apparatus with the realignment means of Olson et al. such that the realignment means are arranged near the transitional area between the holder means and the withdrawal means (including withdrawal roller), the realignment means movable between the rest position and the realignment position (as shown in Fig. 5 of Olson et al.) and cooperating with the load-exerting means in as claimed in order to realign the record carriers to be printed which have been moved from the stack towards the withdrawal means as taught by Olson et al.

Regarding claim 2, with the realignment means of Olson et al. being movable between its rest position into its/their realignment position (position shown in Fig. 5), and

the structural relationship of the load-exerting means as described by Applicant, It would have been obvious to one of ordinary skill in the art at the time the invention was made to arranged the realignment means such that the moving from the rest position to the realignment position is with the aid of the load-exerting means of Applicant's prior art.

Regarding claim 3, the realignment means of Olson et al. is shown to have a plurality of portions (see 22 in Figs. 1-5). Though Olsen et al. does not show or teach having a portion of the plurality portions as an actuating portion arranged to be moved with the aid of a load-exerting means, one of ordinary skill in the art would have realized the benefit of having such feature of the realignment means of being moved with the aid of the load-exerting means, which is to take advantage of the aid of the load-exerting means and thereby eliminating the need for a separate moving feature for moving to between its rest position and realignment position.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Olson et al. (U.S. Patent No. 5,316,285) as applied to claim 1, and further in view of well known art.

Regarding 4, although Applicant's prior art discussion on page 1 of the specification does not include the claimed feature of rendering the withdrawal means (withdrawal roller) inoperative then the load-exerting means are moved from the load-exerting position to the no-load position, the examiner took Official Notice of the fact that such feature of rendering the withdrawal means (or roller) in operative when the load-exerting means is moved to a no-load position is not a novel feature and is well known

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in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide additional means by which the withdrawal means is rendered inoperative in a situation of the load-exerting means as claimed in order to secure the withdrawal means since it is or they are not being used while there is no load.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamazaki (U.S. Patent No. 6,217,017) discloses a paper-feeding apparatus and method, having an arm for aligning the forward ends of the pages of a stack of print paper.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (703) 305-4867. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
March 18, 2004



Cheukfan Lee